

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ARRIAMA A. MATLOCK-ABDULLAH,

Plaintiff,

v.

6:15-CV-0294
(GTS/TWD)

SUSAN DUFEL, as Agent of NYSDOL; and
NEW YORK STATE DEP'T OF LABOR,

Defendants.

APPEARANCES:

ARRIAMA A. MATLOCK-ABDULLAH

Plaintiff, *Pro Se*

P.O. Box 76

Canajoharie, New York 13317

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* employment-discrimination action filed by Arriama A. Matlock-Abdullah (“Plaintiff”) against the Director of the New York State Department of Labor’s Division of Employment and Workforce Solutions, Susan Dufel (“Defendant”), is United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed pursuant to 28 U.S.C. § 1915(A) for failure to state a claim unless, within thirty days from the issuance of an Order adopting the Report-Recommendation, Plaintiff files an Amended Complaint effectively substituting the New York State Department of Labor for Ms. Dufel as the Defendant in this action. (Dkt. No. 6.)¹ Plaintiff has not filed an objection to the Report-Recommendation, and

¹ More specifically, Magistrate Judge Dancks’ Report-Recommendation recommends that (1) Plaintiff be granted leave to file an Amended Complaint naming

the time in which to do so has expired. (*See generally* Docket Sheet.) Instead, Plaintiff has filed an Amended Complaint that adds the New York State Department of Labor as a Defendant while keeping Ms. Dufel as a Defendant. (Dkt. No. 7.)²

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.³ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety, Plaintiff's Amended Complaint is accepted for filing *except* for her claims against Defendant Dufel, which are dismissed for the reasons stated by Magistrate Judge Dancks.

the New York State Department of Labor as Defendant within thirty days, and (2) regardless of whether or not Plaintiff has filed an Amended Complaint during that thirty-day period, the action be dismissed with prejudice against Ms. Dufel. (Dkt. No. 6, at 6-7.) In addition, the Report-Recommendation recommends that, in the event Plaintiff files an Amended Complaint, the attachments submitted with her original Complaint (Dkt. No. 1, Attach. 1-17) be deemed to be part of that Amended Complaint. (Dkt. No. 6, at 7.)

² In addition, Plaintiff's Amended Complaint checks a previous unchecked box, which indicates that, in addition to claiming that Defendant's conduct was discriminatory with respect to her race or color under Title VII of the Civil Rights Act of 1964, she is claiming that Defendant's conduct violated her rights under the First Amendment (presumably as a result of alleged retaliation). (Dkt. No. 7, at 2, ¶ 6.f.)

³ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*: *see also* *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks and citations omitted).

ACCORDINGLY, it is

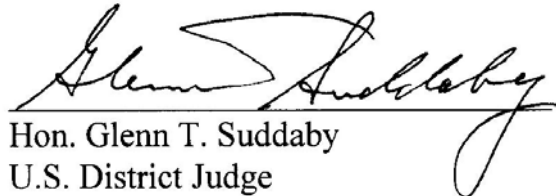
ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 6) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Amended Complaint (Dkt. No. 7) is accepted for filing **EXCEPT** for her claims against Defendant Dufel, which are **DISMISSED**; and it is further

ORDERED that the attachments submitted by Plaintiff with her original Complaint (Dkt. No. 1, Attach. 1-17) are deemed to be part of her Amended Complaint; and it is

ORDERED that the Amended Complaint, and in particular the new claim asserted by Plaintiff (*see, supra*, note 2 of this Decision and Order), is returned to Magistrate Judge Dancks for review pursuant to 28 U.S.C. § 1915(e).

Dated: August 27, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge